



Bruce D. Skaug
Bruce@SkaugLaw.com
Licensed in Idaho, Oregon & Montana

Matthew C. Andrew
Matt@SkaugLaw.com
Licensed in Idaho

Jon Brent Gunnell
Brent@SkaugLaw.com
Licensed in Idaho, Oregon & Arizona

Nathan T. Gamel
Nathan@SkaugLaw.com
Licensed in Idaho & Oregon

Todd M. Joyner
Todd@SkaugLaw.com
Licensed in Idaho

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Idaho Industrial Commission
PO Box 83720
Boise, ID 83720-0041
ATTN: COMMISSIONERS

RE: EFT

Dear Commissioners:

Thank you for hold the negotiated rulemaking meeting Tuesday morning concerning electronic payment of benefits to Claimants. I wanted to provide some written comments with regard to this subject. Thank you for extending the comment period for this purpose.

1. As a Claimant's attorney, I think that anything that speeds up the payment of benefits to Claimants is a good thing. I see the "direct deposit" option as a promising one with a few caveats:
 - a. Many Claimants do not have bank accounts and are distrustful of financial institutions that charge steep fees for overdrafts etc. Many of them find it less expensive and less hassle for them to work on a cash only basis. They are familiar with negotiating a check, but some have no bank accounts. Because of this, I strongly support the proposed language making this election permissive in nature. The parties should be allowed to come to an agreement rather than have a Claimant forced into this process. The default rule should be that if either party would rather the benefits be paid with a traditional check, it should be done so.
 - b. When an attorney is retained to oversee a Claimant's workers' compensation claim, it is important for an attorney to be able to get a written record of when the benefits are transferred via "direct deposit," in what amounts, with which deductions (i.e. child support), and for what time period. This is now done on the written checks received by surety's in most instances. This should continue with electronic transfers of funds as well.
 - c. In a circumstance where a Claimant's attorney has a claim for fees on benefits, I see the current system of receiving a physical check as the simplest way to continue doing so. As such I believe the rule should permit a Claimant to request

on behalf of his client that the ETF be changed back to a physical check system to do so. In the alternative, I would support a rule that allows the payment to be split, but I would suggest more discussion on that matter before a hard fast rule is implemented.

2. The rule as proposed, permits parties to voluntarily elect to send these benefits electronically. In the same fashion, the rule should also allow a Claimant or surety to stop paying via electronic means should one party desire to do so.

I am largely in favor of electronic fund transfers for workers' compensation benefits. Doing so will help many claimants and streamline the process of paying those benefits. However, access to timely information such as when payments are made, for how much, and for what time periods is necessary to communicate to Claimants and their attorneys as well as accommodating a functional system that permits an attorney to recover fees in appropriate cases.

Thank you again for holding this meeting. I look forward to seeing your finalized language and hope to be able to support it in the legislature.

Sincerely yours,



Matt Andrew